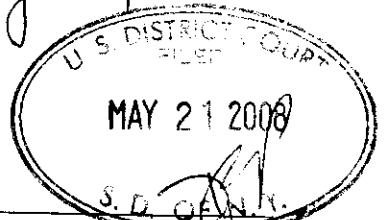


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORKDocument # 12Anail

-v-

Farell

U.S.C.A. # \_\_\_\_\_

U.S.D.C. # 07-cv-6050JUDGE: V.M.DATE: May 21, 2008

## INDEX TO THE RECORD ON APPEAL

PREPARED BY (NAME):

THOMAS R. PISARCZYKFIRM: U.S. DISTRICT COURT - SOUTHERN DISTRICT OF NEW YORKADDRESS: 500 PEARL STREET, ROOM 370NEW YORK, NEW YORK 10007PHONE NO.: (212) 805 - 0636

## DISTRICT COURT DOCKET ENTRIES

## DOCUMENT DESCRIPTION

DOC. #

CLERK'S CERTIFICATE

SEE ATTACHED LIST OF NUMBERED DOCUMENTS

 Original Record

 Supplemental Record

The record in the above entitled case was indexed to the U.S.C.A.  
for the Second Circuit on the 21st Day of May, 2008.

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

U.S.C.A. # \_\_\_\_\_

U.S.D.C. # D7a-6050

JUDGE: VM

DATE: May 21, 2008

### Clerk's Certificate

I, J. Michael McMahon, Clerk of the Court of the United States District Court for the Southern District of New York, do hereby certify that the certified copy of the docket entries and the original filed papers numbered \_\_\_\_\_ Through \_\_\_\_\_, inclusive, constitutes the Original record on appeal in the above entitled proceedings except for the following missing documents:

Date Filed

## Document Description

In Testimony Whereof, I have caused the seal of said Court to be hereunto affixed, at the City of New York,  
this 24<sup>th</sup> Day of June In this year of our Lord, Two Thousand and Eight, and the Independence of  
the United States this 232<sup>ND</sup> year.

J. Michael McMahon, Clerk

By

Deputy Clerk

APPEAL, CLOSED, HABEAS, PRO-SE

**U.S. District Court**  
**United States District Court for the Southern District of New York (Foley Square)**  
**CIVIL DOCKET FOR CASE #: 1:07-cv-06050-VM**  
**Internal Use Only**

Quail v. Farrell  
Assigned to: Judge Victor Marrero  
Cause: 28:2254 Petition for Writ of Habeas Corpus (State)

Date Filed: 06/26/2007  
Date Terminated: 04/28/2008  
Jury Demand: None  
Nature of Suit: 530 Habeas Corpus (General)  
Jurisdiction: Federal Question

Date Filed	#	Docket Text
06/26/2007	1	ENDORSEMENT on Declaration in Support of Request to Proceed In Forma Pauperis, I.F.P. REQUEST IS GRANTED. (Signed by Judge Kimba M. Wood on 6/26/07) (laq) (Entered: 07/03/2007)
06/26/2007	2	PETITION FOR WRIT OF HABEAS CORPUS pursuant to 28 U.S.C. 2254. Document filed by Charles Quail.(laq) (Entered: 07/03/2007)
06/26/2007		Magistrate Judge Andrew J. Peck is so designated. (laq) (Entered: 07/03/2007)
07/11/2007	3	APPLICATION to Appoint Counsel pursuant to 18 U.S.C. 3006(A)(g) (Habeas Corpus Petition). Document filed by Charles Quail.(jp) (Entered: 07/19/2007)
09/05/2007	4	ENDORSED LETTER addressed to Judge Victor Marrero from Nancy Killian dated 9/4/07 re: Respondent request for a 60 day extension to answer the petition. ENDORSEMENT: Request granted. The time for respondent to respond or otherwise move with respect to the petition in this action is extended to 11/5/07. J. Farrell answer due 11/5/2007. (Signed by Judge Victor Marrero on 9/4/07) (cd) (Entered: 09/06/2007)
09/13/2007	5	ORDER: that the motion of plaintiff Charles Quail for appointment of counsel (docket No. 3) is denied without prejudice. (Signed by Judge Victor Marrero on 9/12/2007) (jpo) (Entered: 09/14/2007)
09/18/2007		Received Return Receipt as to Charles Quail, which was served by Certified Mail # 7002 2410 0005 1342 7220, on date not indicated.. (djc) (Entered: 09/18/2007)
11/05/2007	6	AFFIDAVIT of Bryan C. Hughes in Opposition re: 2 Petition for Writ of Habeas Corpus. Document filed by J. Farrell. (djc) (Entered: 11/05/2007)
11/30/2007	7	TRAVERSE to: 6 Affidavit in Opposition. Document filed by Charles Quail. (Received in Docketing Unit on 12/19/2007 10:13 a.m.) (jar) (Entered: 12/19/2007)
02/14/2008	8	APPLICATION to Appoint Counsel pursuant to 18 U.S.C. 3006(A)(g) (Habeas Corpus Petition). Document filed by Charles Quail.(jmi) (Entered: 02/20/2008)
04/25/2008	9	DECISION AND ORDER: The 2 Petition for Writ of Habeas Corpus pursuant to 28 USC ss2254 herein is DENIED. A certificate of appealability will not issue. The Clerk of the Court is directed to withdraw any pending motions and to close the case. (Signed by Judge Victor Marrero on 4/25/08) (db) (Entered: 04/25/2008)
04/25/2008		Transmission to Judgments and Orders Clerk. Transmitted re: 9 Order to the Judgments and Orders Clerk. (db) (Entered: 04/25/2008)
04/28/2008	10	CLERK'S JUDGMENT That for the reasons stated in the Court's Decision and Order dated April 25, 2008, petitioners motion for appointment of counsel is denied; the petition for a writ of habeas corpus is denied; accordingly, the case closed; the Court finds that because petitioner has not made a substantial showing of the denial of a constitutional right, a certificate of appealability will not issue. (Signed by J. Michael McMahon, clerk on 4/28/08) (Attachments: # 1 notice of right to appeal)(ml) (Entered: 04/28/2008)
04/28/2008		Mailed notice of Right to Appeal to Pro Se Litigant(s): Charles Quail. (ama) (Entered: 04/30/2008)
05/09/2008	11	NOTICE OF APPEAL from 10 Clerk's Judgment. Document filed by Charles Quail. (tp) (Entered: 05/19/2008)
05/09/2008		Appeal Remark as to 11 Notice of Appeal filed by Charles Quail. NO FEE. IPP GRANTED 6/26/07. COA DENIED 4/25/08. (tp) (Entered: 05/19/2008)
05/19/2008		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: 11 Notice of Appeal. (tp) (Entered: 05/19/2008)
05/19/2008		Transmission of Notice of Appeal to the District Judge re: 11 Notice of Appeal. (tp) (Entered: 05/19/2008)